

## **Remarks**

Claims 1–3, 5–6, 8–10, and 22–38 are pending in this application. Claims 4, 7, and 11–21 have been canceled. Claims 1–3, 5–6, and 25–27 have been amended to make editorial changes and in response to the office action. New claims 29–38 have been added to more specifically claim the invention. The new and amended claims are fully supported by the specification. No new matter has been added.

### **Allowable Claims**

Claims 9 and 10 are allowable as the examiner indicated. New claims 29–36 are dependent on claim 9 and should also be allowable.

Claim 5 has been rewritten into independent form and should be allowable as the examiner indicated. Claim 6 is dependent on claim 5 and should also be allowable.

Claim 25 has been rewritten into independent form and should be allowable as the examiner indicated.

Claim 26 has been rewritten into independent form and should be allowable as the examiner indicated.

Claim 27 has been rewritten into independent form and should be allowable as the examiner indicated.

### **Claim 28**

Claim 28 is dependent on claim 27 and should be allowable. In the office action, the examiner had indicated that claim 28 was rejected, but applicant believes this rejection was in error.

### **Double Patenting Rejection**

Claims 1–3 have been amended and should no longer be subject to the nonstatutory obviousness-type double patent rejection.

### **Section 103 Rejection**

Claims 1–3 and 22 were rejected under section 103 as being unpatentable over U.S. patent 5,960,399 (Barclay) in view of U.S. patent 5,054,085 (Meisel). Claim 23 was rejected under section 103 as being unpatentable over Barclay in view of Meisel, and further in view of

U.S. patent 6,055,498 (Neumeyer). Reconsideration of the rejection and allowance of the claims are respectfully requested.

Claim 1 recites “*a processing time used to evaluate the resultant raw speech will vary based on a value communicated to the server from each respective client.*” Nowhere does the prior art show or suggest adjusting the processing time used to evaluate the resultant raw speech. For at least this reason, claim 1 should be allowable.

Claims 2–3, 8, 22–24, and 37–38 are dependent on claim 1 and should be allowable for at least similar reasons. These dependent claims recite additional limitations and should be further allowable because of these limitations.

## **Conclusion**

For the above reasons, applicant believes all claims now pending in this application are in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the examiner believes a telephone conference would expedite prosecution of this application, please contact the signee.

Respectfully submitted,

Aka Chan LLP

/Melvin D. Chan/

Melvin D. Chan  
Reg. No. 39,626

Aka Chan LLP  
900 Lafayette Street, Suite 710  
Santa Clara, CA 95050  
Tel: (408) 701-0035  
Fax: (408) 608-1599  
E-mail: [mel@akachanlaw.com](mailto:mel@akachanlaw.com)